

Message Text

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PAGE 01 BUCAR 01333 041621Z

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ACTION EUR-25

INFO OCT-01 ISO-00 L-03 EB-11 COA-02 SCA-01 H-03 INR-10

DLOS-06 PRS-01 CG-00 DOTE-00 SCS-03 JUSE-00 PM-07

NSC-07 PA-04 USIE-00 NIC-01 COME-00 INT-08 SAJ-01

SS-20 CIAE-00 NSAE-00 DRC-01 EURE-00 SSO-00 NSCE-00

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE 8228

LIMITED OFFICIAL USE BUCHAREST 1333

E.O. 11652: N/A

TAGS: EFIS, RO

SUBJECT: DETENTION OF TRAWLER INAU

REF: STATE 061312

1. DEPUTY FOREIGN MINISTER PACOSTE CALLED IN AMBASSADOR TODAY TO MAKE NEW DEMARCHE ON DETENTION OF ROMANIAN FISHING VESSEL. PACOSTE WAS LAST MINUTE SUBSTITUTE FOR ACTING FOREIGN MINISTER GLIGA (MACOVESCU WAS OUT OF COUNTRY) CAUSED BY GLIGA'S PREOCCUPATION WITH POMPIDOU FUNERAL. MEETING WAS THUS AT HIGHEST AVAILABLE LEVEL OF MFA. CONSULAR DIRECTOR BADESCU AND US DESK OFFICER ALSO PRESENT.

2. PACOSTE, IN GENERAL, REPEATED ROMANIAN VERSION OF INCIDENT BASED ON FORCE MAJEURE CITING (A) FIRST VOYAGE OF SHIP, (B) DEFECTIVE MECHANISM, (C) NO FISHING UNDERWAY AND (D) RESPONSIBILITY OF POLISH BUILDER FOR DEFECTIVE GEAR. PACOSTE ADDED THAT POLISH ENGINEER WAS ON BOARD, SHOWING THIRD COUNTRY RESPONSIBILITY FOR GEAR, FISH

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PAGE 02 BUCAR 01333 041621Z

ALLEGEDLY FOUND ON BOARD WERE TWO DAYS OLD, AND CAPTAIN

OF VESSEL BEING IN STATE OF ARREST AMOUNTING TO MISTREATMENT. PACOSTE CITED AGAIN GOOD RELATIONS BETWEEN TWO COUNTRIES, EXISTENCE OF FISHING AGREEMENT AND ARTICLE 14 OF 1958 GENEVA CONVENTION AND EXPRESSED HOPE THAT DEPARTMENT COULD INTERVENE TO FIND QUICK AND QUIET SOLUTION. PUBLICITY SEEMED PARTICULAR CONCERN OF ROMANIANS AS DID IMPRESSION THAT GOR HAD INTENTIONALLY VIOLATED US FISHING ZONE WITH WHAT AMOUNTED TO CRIMINAL INTENT.

3. IN ANSWER TO OUR QUESTION, PACOSTE INDICATED GOR WAS NOT OBTAINING US ATTORNEY. WHILE COSTS MAY BE FACTOR AS WELL, PACOSTE PROFESSED TO BELIEVE, IN SPITE OF ALL THAT WE HAVE SAID, THAT OBTAINING ATTORNEY WOULD ENSURE THAT JUDICIAL PROCESS WAS LIKELY TO ENSUE WITH RESULTANT BAD PUBLICITY AND POSSIBLE PROLONGATION OF SEIZURE.

4. PACOSTE INDICATED THAT AMBASSADOR BOGDAN BEING INSTRUCTED BY TELEGRAM TODAY TO MAKE NEW DEMARCHE TO DEPARTMENT.

5. COMMENT: WOULD APPRECIATE FURTHER DEPARTMENT INVESTIGATION OF THIS AFFAIR AND REPLY RE NEW POINTS MADE BY PACOSTE SUCH AS TREATMENT OF CAPTAIN AND EVIDENCE ABOUT THE CONDITION OF THE FISH AS WELL AS NATURE OF DAMAGED GEAR, IF ANY. WOULD ALSO APPRECIATE CONFIRMATION THAT HIRING OF US ATTORNEY IS ESSENTIAL AND THAT THERE IS NO OTHER WAY TO RESOLVE PROBLEM QUICKLY AND AMICABLE. WE SUGGEST, IN ANY CASE, THAT DEPARTMENT EXPLAIN NEED OF ATTORNEY THOROUGHLY TO BOGDAN AS WELL AS POINTS THAT OUT-OF-COURT SETTLEMENT AND NO UNNECESSARY PUBLICITY ARE NOT REDUCED BY ENGAGEMENT OF ATTORNEY. EMBASSY NATURALLY HOPES THAT QUICK AND AMICABLE SOLUTION CAN BE FOUND IN MANNER THAT WILL SUPPORT OUR GENERAL RELATIONS WITH ROMANIA. BARNES

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